# MISSOURI COURT OF APPEALS WESTERN DISTRICT

## KAREN RAY WESTCOTT

APPELLANT,

v. STATE OF MISSOURI

RESPONDENT.

#### **DOCKET NUMBER WD73934**

DATE: March 6, 2012

Appeal From:

Worth County Circuit Court The Honorable Glen A. Dietrich, Judge

Appellate Judges:

Division One: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Karen King Mitchell, Judge

Attorneys:

Karen Ray Westcott, Appellant Pro Se.

Robert L. Rice, Maryville, MO, for respondent.

#### MISSOURI APPELLATE COURT OPINION SUMMARY

# MISSOURI COURT OF APPEALS WESTERN DISTRICT

KAREN RAY WESTCOTT,

APPELLANT,

v. STATE OF MISSOURI,

RESPONDENT.

No. WD73934 Worth County

Before Division One: Cynthia L. Martin, Presiding Judge, Thomas H. Newton, Judge and Karen King Mitchell, Judge

Karen Ray Westcott appeals from an order and judgment denying his motion for reconsideration of a motion for relief from judgment or order pursuant to Rule 74.06(b). Westcott claims that he was wrongfully detained to serve a two-year jail sentence immediately following his release from the Department of Corrections.

### Appeal dismissed as moot

- (1) Whether a case is moot is a legal issue we raise *sua sponte* on appeal.
- (2) An issue is most if our resolution of a matter on appeal in the appellant's favor would have no practical effect.
- (3) Westcott's claim on appeal is that he was required to begin serving his jail sentence prematurely in 2009 (following his release from the Department of Corrections) and not in 2026 (when Westcott claims the conditions of his parole would have been fully satisfied). By the time of Westcott's appeal, he had completed the service of his two year jail term. Should we agree with Westcott, our decision would have no practical effect, as Westcott's jail sentence has been fully served.
- (4) The exceptions permitting us to exercise our discretion to address a moot issue where (i) the case becomes moot after submission and argument, and (ii) the issue raised has general public interest and importance and is likely to recur and will otherwise evade appellate review, do not apply to this case.

Opinion by Cynthia L. Martin, Judge

March 6, 2012

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